

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Arbitration of Certain
Controversies Between

DOMINICK IQUINTO, as Union Trustee for the
ILA Local 976 Pension Fund,

Petitioner,

for an Order vacating or modifying an Arbitration
Award Pursuant to Section 7511 of the Civil Practice
Law and Rules,

**STATEMENT PURSUANT TO
LOCAL CIVIL RULE 56.1
06-CV-04126(RMB)(JCF)**

-and-

ROBERT GILDERSLEEVE and RAYMOND
CAVANAUGH, as Management Trustees for the
ILA Local 976 Pension Fund,

Respondents.

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The petitioner makes the following statement pursuant to Local Civil Rule 56.1:

Statements as to Which There is a Genuine Issue of Material Fact Requiring Trial

1. Whether the respondents, when they voted to terminate the Local 976 Pension Plan, were authorized to act as trustees of the Plan. Piscino Affidavit.

Statements as to Which There is No Genuine Issue of Material Fact Requiring Trial

2. The trustees never deadlocked or submitted to the arbitrator the issues of whether the actuary should be paid a fee for the work he provided relating to the arbitration, whether the plan should be amended with respect to the participants of the Plan, and whether the Plan should be required to pay the attorneys' fees of a

party that either challenges the arbitration award or moves to confirm the award. Piscino Affidavit.

Dated: White Plains, New York
August 31, 2006

/s/Christopher A. Smith
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